BULGARIAN CADASTRE – A GUARANTEE FOR THE OWNERSHIP RIGHTS IN IMMOVABLE PROPERTIES

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ABSTRACT

Cadastre provides data on the location, boundaries and size of immovable properties of the territory of Republic of Bulgaria. The cadastre covers all properties, no matter what their destination is – settlements (urban territories), agricultural land, forests as well as other types of territories and together with the property register provides a guarantee to the rights of owners.

The institution, responsible for creation and maintenance of cadastre in Bulgaria is the Geodesy Cartography and Cadastre Agency.

Before the Cadastre and Property Registration Act, the cadastral information about immovable properties have been managed by different institutions.

The lack of coordination between them lead to inconsistency of the cadastral and geodetic information produced.

The new Cadastre and Property Registration Act, in force since 1 January 2001 created environment for reform in the cadastre and property registration system, facilitating transformation from person to property based registration system.

Two independent agencies were set up – a cadastre agency and a property registration agency, rules and conditions for regular maintenance of cadastre were provided.

The link between the cadastre and the property register is established on the basis of the Identifier of immovable properties, which is a unique number, synonymously identifying an object over the whole territory of the country.

Integrated information system for cadastre and property register is under development.

By the implementation of the new information system services in the field of cadastre and property registration will be available via Internet access, emailing or subscription.

The Geodesy Cartography and Cadastre Agency is organising prioritised production of cadastre for the regional centres, municipal centres and other regions of fast economical growth and active land market.
By 31 January 2007 the cadastral map and cadastral registers for about 400 settlements in the country, including all 27 regional centres, 56 municipal centres and other 310 settlements, have been approved or is in a process of production. The staged production of the cadastral map for the City of Sofia commenced this year. In this way by the end of 2007 the cadastre will cover more than 3 000 000 immovable properties, mainly located in territories attractive for investment and with considerably developed land market.

The Agency forecasts that by the end of 2010 the cadastral information for about 70 % of all immovable properties in the country will be made available.

**Introduction**

Cadastre provides data on the location, boundaries and size of immovable properties of the territory of Republic of Bulgaria and together with the property register provides a guarantee to the rights of owners. The cadastre contains also data about the right of ownership and the other real rights in immovable properties. The cadastre covers all properties, no matter what their destination is – settlements (urban territories), agricultural land, forests as well as other types of territories. Correct and accurate cadastre is a precondition for the immovable property market development and investments efficiency.

Cadastre an property registration activities in the Republic of Bulgaria are governed by the Cadastre and Property Registration Act (in force since 1 January 2001).

The institution, responsible for creation and maintenance of cadastre in Bulgaria is the Geodesy Cartography and Cadastre Agency. The Agency is juridical person, having its seat in Sofia and operating through its 28 regional units – Geodesy Cartography and Cadastre Offices, located in the administrative centres of the regions (oblast centres).

Pursuant to new Geodesy and Cartography Act (in force since 9 April 2006) the Agency took over also the responsibilities in the fields of geodesy and cartography.

The cadastre and geodesy related activities in Bulgaria have more than one hundred years of history. For the first time the creation of cadastral plans have been defined by the Cadastre Act of 1908. The main objective of cadastre according to that act was “physical and juridical determination of the immovable properties, introduction of land books and implementation of planimetry and altimetry works for the country”.

The topographic mapping in Bulgaria dates back to the end of XIX century, and the systematic measurements of the state triangulation network started around 1920.

Before the Cadastre and Property Registration Act, the cadastral information about immovable properties have been managed by different institutions: the information about urban areas – by the municipal administrations and the Ministry of Regional Development and Public Works, information about agricultural land and forestry – by the Ministry of Agriculture and Forests, information about transport infrastructure areas and water - by the Ministry of Transport and the Ministry of Environment and Water respectively etc.

The lack of coordination between the institutions responsible for implementation of cadastral, geodetic and cartographic activities lead to inconsistency of the information, often to financing production of maps and plans for one and the same territory by different investors and as a final result – the people are confused which institution they should contact in order to get the required service.

However due to the variety of responsibilities of the municipal administration dealing with management of territories, in most of the cases once the cadastral plans of settlements have been
created they do not get any maintenance, hence in a very short period of time they get outdated – in result the public servicing suffers.

**Introduction**

The new Cadastre and Property Registration Act created environment for reform in the cadastre and property registration system. Two independent agencies were set up – a cadastre agency and a property registration agency, rules and conditions for regular maintenance of cadastre were provided, and transformation from personal to property based system of registration was arranged. The reform in the cadastre and property registration system have to be finalised by 2015. By that time data about all immovable properties in the country shall be updated and combined, and the servicing shall be based on a modern and effective information system. This reform is expected to provide guarantees to the ownership rights, secure transactions and mortgages, considerable decrease of the number of court disputes and to create conditions for fare taxation policy.

The main functions of the Geodesy Cartography and Cadastre Agency are as follows:

1. **pursuant to the Cadastre and Property Registration Act:**
   - creation and maintenance of cadastral map and cadastral registers for the whole territory of the country;
   - drafting acts and regulations in the field of cadastre and geodesy, as well as programmes and concepts on future development;
   - implementation of cadastral activities in close coordination with those of the property register, UCATTU (Unified Classification of Administrative-Territorial and Territorial Units), BULSTAT (Unified Classification of identification of juridical persons), ESGRAON (Unified System for identification of physical persons), registers of state and municipal properties;
   - administrative and technical servicing the public, state administration, municipalities and other users of cadastral information;
   - maintenance of the state geodetic, cartographic and cadastral fund;
   - maintenance of register of physical and juridical persons, licensed to carry out activities in the filed of cadastre, geodesy and cartography.

2. **pursuant to the Geodesy and Cartography Act:**
   - creation and maintenance of topographic maps in scales 1 : 5000 and 1 : 10 000 for the territory of the country;
   - maintenance of the state levelling network and the mareographic stations network;
   - maintenance of the geodetic networks of local purpose;
   - creation and maintenance of topographic databases and the geographic information system;
   - implementation of technical activities related to establishment of the geographic names in the Republic of Bulgaria, keeping a register of names, creation and maintenance of databases and information system;
   - cooperation with the state administration, and other organisations in the country and abroad.

The general principles of the Cadastre and Property Registration Act are:

- the cadastre shall cover the territory of the whole country – including settlements, agricultural land, forests and other territories;
- providing data about the land properties, buildings and the self – contained objects in buildings (apartments, studios, shops, garages, recreation and health centres etc.);
- each immovable property shall be given unique number (identifier), synonymously identifying the object over the whole territory of the country;
- providing conditions for transformation from personal based to property based system of registration;
- The Geodesy Cartography and Cadastre Agency is the single authority, issuing sketches of immovable properties in case of change of the right of ownership and establishment of other real right;
- cadastre is indispensable base for creation of the geographic and specialised information systems.

The cadastral information shall be created, maintained and kept in digital format, graphical format and textual format. The cadastral map, cadastral registers and the schemes of self contained objects in buildings are the bearers of cadastral information.

The cadastral information is authentic and available to the public and contains data about:
- boundaries and identifiers of landed properties;
- boundaries and identifiers of buildings and self contained objects in buildings – apartments, studious, shops, garages, recreation and health centres etc;
- owners and holders of other real rights;
- act/deed from which the owners benefit their right over immovable properties;
- the state borders, boundaries of administrative-territorial units, boundaries of territories belonging to settlements, and boundaries of territories of identical durable land use.

Basic cadastral data are:
- for a landed property: identifier; boundaries fixed by the geodetic co-ordinates of the points defining them; area; durable land use; land use mode; address;
- for buildings - identifier, built up area, number of floors, destination;
- a self-contained object in a building: identifier; location; floor number, use.

Geodetic networks of local purpose are set up using GPS-technology to serve as a geodetic basis for creation of the cadastral map. In the first place the initial creation of these networks is related the existing geodetic base in “ETRS 89” coordinate system and its density. The contemporary phase of creation of such networks is related to finalisation of the state GPS-network, consisting of 437 stations in “ETRS 89” coordinate system, 2005 epoch with average distance between two points - 17 km.

The cadastral map and cadastral registers are produced by using of the existing map of restored ownership (created pursuant to the Ownership and Use of Agricultural Land Act, the Restoration of Ownership over Forests and Land in the Forestry Domain Act) and the valid cadastral plans of settlements (approved according to the routines under the repealed Unified Cadastre Act and the Territorial and Urban Development Act) to a maximum possible extent.

Data about the owners and the holders of other real rights, as well as about most of the acts/deeds, from which the owners benefit their right over immovable properties, is collected from the registers which are parts of the existing maps and plans, from the acts submitted by owners during the process of creation of the cadastral map, from the municipal and regional administration registers, from the taxation registers, etc.

Data about the right of ownership and the other real rights are clarified on the basis of data, provided by the entry offices. The cadastral register of immovable properties does not contain data about owners or holders of other real rights, as well as about acts/deeds, from which they benefit their right over immovable properties if such are not found.

The improvement of cadastral map accuracy will be carried out in the process of its maintenance. When approved map data have been obtained from a plan or map in graphical format, the boundaries of landed properties and building outlines will be surveyed and coordinated at a later stage by geodetic/field surveys. The maintenance (amendment) of approved cadastral map and cadastral registers will be paid for by the persons, requesting the amendment (the interested parties),
i.e. the state will not have to allocate financial resources for this activity anymore, and the cadastral map will be operational and kept up to date.

Cadastral objects are the landed properties, buildings and self contained objects in buildings – for buildings, where floors or parts of them belong to different owners or are possessed in accordance of different documents of ownership (apartments, studious, shops, garages, recreation and health centres etc.).

The link between the cadastre and the property register is established on the basis of the Identifier of immovable properties. This Identifier is a unique number, synonymously identifying an object over the whole territory of the country. It consists of 19 digits, grouped in 5 fields (UCATTU, cadastral region, property number, building number, number of self contained object in building).

The landed properties boundaries are established as depicted on the terrain – in correspondence with the document of ownership. The properties are individualised by their boundaries, not by their area.

The cadastral register of immovable properties contains data as follows:
- about the property – identifier (both old and new), type of property, area, number of floors, floor number, long term destination, way of long term use, administrative address;
- about the owners and the holders of other real rights– name, surname and family name, CIN, BULSTAT, UCATTU; for the local juridical persons or for the foreign persons, with branches registered in the country and court, type of register, number and volume and lot, administrative address;
- about the act/deed – type, issuer, number and date, type of register, number and volume and lot, kind of right, term of right, kind of ownership, shares;
- number of the property register lot.

The data about the rights of building, super-structure and extension of building, right of use, as well as their holders shall be reflected in the cadastral register of immovable properties in accordance with the documents, from which the owners benefit their right.

The servitudes (rights of way), established over agricultural land and depicted in the map of restored ownership are kept in the cadastral information system, maintained and can be retrieved.

The link between the cadastral register of immovable properties and the property register is based on the full correspondence of data contained in the cadastral register of immovable properties with the data in sections “A”, “B” and “C” of the property register. Once the property register is operational, the cadastre will maintain data about the location and boundaries of properties only, while data about owners and their rights will be derived from the property register. The link between the cadastral register of immovable properties and the property register will be realised through the information system.

Integrated information system for cadastre and property register is under development. It will consist of three basic components:
- cadastral component – set up for the Geodesy Cartography and Cadastre Agency needs, which supports the processes for creation and maintenance of cadastral map and cadastral registers data;
- property registration component – set up for the Registry Agency needs and supporting the creation and maintenance of property register data processes;
- web portal – providing users with access for search and use of data from both cadastre and property register.

The Information System architecture allows integration of the first two components at central level, which to a larger extent will preserve the administrative separation and hierarchy of the two agencies. At the central level the two agencies will be supported by an integrated complex module,
which will allow keeping the replicated data from the regional (oblast) level of the geodesy cartography and cadastral offices and the district court level of the entry offices in one and the same place. In fact there will be one server in each of the oblast centres and one at the central level for the Geodesy Cartography and Cadastre Agency plus one central server at the Registry Agency. The common database will be processed in the two central servers.

The system’s hardware and software platform is conformable with the two components and system modules. The software platform has a three-layer model – user interface (presentation tier), application business logic (logic tier), database (data tier), supplemented by the required developing software and operation systems. The system will allow operation on two different platforms Windows and UNIX-based OS depending on the use and functionality of each module. This will not have any impact on the user interface of the system.

As a result of the cadastre and property register integration, the information about properties, retrieved on the occasion of a transactions, development initiative, etc. will be up-to-date, detailed, legal and consistent, it will incorporate all the information about any transactions with the respective property taken place before the date of query and will allow exchange of data with other information systems.

The information system development allows interactions at IT level with the Ministry of Agriculture and Forests, regional and municipal administrations, National Revenue Agency and registers, as specified by the CPRA - UCATTU, BULSTAT, ESGRAON, registers of state and municipal properties and other stakeholders.

The implementation of the information system will introduce ‘one-stop-shop’ servicing in the field of cadastre and property register, by means of Internet access, emailing or subscription. Information from multiple sources will be collected into one place, will be kept and maintained in a controlled manner and will have the state guarantee than it will be provided to a wide range of user groups from both the state and private sectors.

The state administration network will be used as communication environment for the systems.

Services to the citizens and the other users will be provided by the Geodesy Cartography and Cadastre Offices located in the regional centres but for convenience it can be extended to the district court centres additionally where appropriate. This means the owners will get the requested cadastral information and services in 112 towns (out of totally 264 municipal centres). Public servicing will cover all properties belonging to the individual clients, no matter of their location – properties in urban areas or agricultural land, forests and other territories all round the country.

The amendments of the relevant legislation from 2006 regulate the retention of part of the income generated from fees for provided services for investment (re-financing) in geodetic and cadastral works, for improvement of the Agency’s premises etc.

The main users of cadastral information are the state authorities, municipal administrations, regional and municipal services ‘Agriculture and Forests’, notaries, investors, banks etc.

Geodesy Cartography and Cadastre Agency provides large number (both by type and volume) information and services, the most important being: issuance of sketches from the cadastral map and copies-excerpts from the cadastral registers, provision of copies from the cadastral map (both in digital and paper format), drafting designs of divisions and amalgamation of properties, provision of data from the Geodetic and Cartographic Fund of the Agency etc.

Creation of cadastral map and cadastral registers for the territory of the whole country is a complex and long process. This process is carried out in accordance with the Long Term Programme for the creation of cadastre and property register (until 2015) introduced by a Council of Ministers’ decision No. 326 of 2001. In accordance with this programme the Geodesy
Cartography and Cadastre Agency is organising prioritised production of cadastre for the regional centres, municipal centres and other regions of fast economical growth and active land market.

To support the implementation of the Long Term Programme, in 2001 the Parliament ratified a Loan Agreement with the Word Bank for 28.7 mln. EUR to finance the “Cadastre and Property Registration” project. The co-financing from Bulgarian Government amounts to 7.9 mln. EUR. In accordance with the Loan Agreement, the loan will end on 1 March 2008.

The “Cadastre and Property Registration” project goals are:
- production of new digital cadastral map and cadastral registers for part of the territory of Bulgaria;
- creation of property register in digital format for a part of the territory of Bulgaria by converting the existing acts from the district courts and their linkage to the cadastral identifiers;
- setting up of modern information system (hardware, software and technical building) for the cadastre and property register;
- technical equipment for the Geodesy Cartography and Cadastre Agency and the Registry Agency.

By 31 January 2007, pursuant to the Cadastre And Property Registration Act and in accordance with the Long Term Programme of Activities for Creation of Cadastre and Property Register the cadastral map and cadastral registers for about 400 settlements in the country, including all 27 regional centres, 56 municipal centres and other 310 settlements, have been approved or is in a process of production. The staged production of the cadastral map for the City of Sofia commenced this year. In this way by the end of 2007 the cadastre will cover more than 3 000 000 immovable properties, mainly located in territories attractive for investment and with considerably developed land market.

The Agency forecasts that by the end of 2010 the cadastral information for about 70 % of all immovable properties in the country will be made available.

As of urban areas, which have never had cadastral plans before, as well for settlements with minor immovable properties turnover, the cadastral data will be captured also by creation of the digital orthophoto map of the country.

Information technologies provide opportunities for expansion of the coverage and content of information loaded. The implementation of the new information system will allow adding thematic and specialised data to the basic cadastral data, such as cartographic and geodetic data, data from satellite images etc. On the other hand the cadastral data could be combined with geographic information. The basic cadastral layer will be added with new information layers, describing various aspects of land use and ownership, spatial planning, infrastructure – below and above the earth surface, with geographic, economic and other use.

The variety of cadastral, geodetic and cartographic activities performed is a constant source of up-to-date basic spatial geoinformation about the territory of the country. A high grade information system for cadastre and property registration as well as spatial geoinformation for the whole territory of the country is a precondition for development and good functioning of modern information society.